

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1237 OF 1996
IN
FIRST APPEAL NO.238 OF 1996**

Hindustan Petroleum Corporation Ltd. ...Applicant
Vs.
Shashikant Gajanan Dighe ...Respondent

Mr M.D. Siodia i/by Ms Rustamji Ginwal for the
Applicant.
Mr P.G. Lad for the Respondent.

**CORAM : A. S. OKA, J.
DATE : MARCH 13, 2006.**

P.C.:

1. Heard the Advocate appearing for the Applicant
and the Advocate appearing for the Respondent. Office
noting shows that the Civil Application is still
pending and ad-interim relief granted on 23rd
February, 1996 has been extended by further order
passed on 26th June, 1996.

2. The impugned Judgment and Decree is a money
decree. The Applicant is not entitled to stay of
execution of money decree unless the amount is
deposited with the Trial Court.

3. Hence, the Civil Application is disposed of by
passing following order:

(i) There will be interim relief in terms of prayer
clause (a) subject to condition that the

Applicant will deposit the entire amount due and payable under the impugned Judgment and Decree as of today with the Trial Court within a period of twelve weeks from today.

(ii) If the amount is not deposited within the stipulated time, interim stay granted will stand vacated automatically without reference to the Court.

(iii) In the event the amount is deposited, the Trial Court will invest the amount in fixed deposit in any nationalised bank initially for a period of two years. After expiry of period of two years, the fixed deposit will be renewed from time to time for a period of one year.

(iv) The order regarding the disbursement of the amount deposited in fixed deposit alongwith the interest accrued thereon will be passed at the time of final hearing of the Appeal.

(v) It is made clear that the deposit of the amount by the Applicant will be without prejudice to the rights and contentions of the Respondent.

JUDGE